UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA, Plaintiff, v. **Omar GUERRERO-Rendon,** Defendant	Magistrate Docket No. '08 MJ 0834 27 CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY: CP DEPUTY COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 13, 2008** within the Southern District of California, defendant, **Omar GUERRERO-Rendon,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF **MARCH 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Omar GUERRERO-Rendon

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 13, 2008, at approximately 8:20 PM, Senior Border Patrol Agent A. Careaga was working line watch duties east of the Tecate, California Port of Entry, when when the National Guard Scope alerted Agent Careaga of a group of fourteen crossing the United States/ Mexican border fence. This area is located approximately five miles east of the Tecate, California Port of Entry in Tecate, California and is well known for alien and narcotics smuggling activities. After following the foot prints for a short time north of the border road, Agent Careaga encountered two individuals including one later identified as the defendant **Omar GUERRERO-Rendon** trying to conceal themselves in the surrounding brush. Agent Careaga identified himself as a United States Border Patrol Agent and questioned each of the individuals as to their citizenship. The two individuals admitted to being citizens and nationals of Mexico present in the United States without any immigration documents allowing them to enter or remain in the United States legally. Agent Careaga placed all two subjects under arrest and had them transported to the Tecate, California, Processing Center in Tecate, California for further records checks and interviewing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 17, 2006** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated that he had not applied for permission to re-enter the United States following his deportation.

Executed on March 15, 2008 at 9:00 a.m.

[signature]
Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 13, 2008**, in violation of Title **8**, United States Code, Section **1326**.

[signature]
Louisa S. Porter
United States Magistrate Judge

3/15/08 9:30 AM.
Date/Time